

**FIFTY-SIXTH DAY**  
(Wednesday, May 1, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Angus Thompson, New Jerusalem Baptist Church, Wichita Falls (guest of Senator Carriker), offered the invocation as follows:

O Lord, behold us at Thy feet  
A needy, sinful band:  
As prodigals round Thy mercy-seat  
We come at Thy command.

We come today because we need Thee. We need Your tender mercies and everlasting love. We need You Lord as we try to serve You by serving others.

Master, keep America and the people of the great State of Texas. Keep Governor Ann Richards, Lieutenant Governor Bob Bullock, members of the Senate and various agencies and staff. And please keep the people of Wichita Falls.

When the issues of government become complex and difficult, be with them. When the mantle of statesmanship seems too heavy, be with them.

Lord You know us. Our straying footsteps need a guide. Keep us, oh, keep us near Your side. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 34**

On motion of Senator Montford and by unanimous consent, Senator Zaffirini will be shown as Co-author of S.J.R. 34.

**CO-AUTHOR OF SENATE BILL 1195**

On motion of Senator Montford and by unanimous consent, Senator Zaffirini will be shown as Co-author of S.B. 1195.

**CO-AUTHOR OF SENATE BILL 1193**

On motion of Senator Montford and by unanimous consent, Senator Zaffirini will be shown as Co-author of S.B. 1193.

**CO-SPONSOR OF HOUSE BILL 1214**

On motion of Senator Armbrister and by unanimous consent, Senator Dickson will be shown as Co-sponsor of H.B. 1214.

**MESSAGE FROM THE HOUSE**

House Chamber  
May 1, 1991

**HONORABLE BOB BULLOCK**  
**PRESIDENT OF THE SENATE**

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 1020**, Relating to a special three-day wine and beer permit for certain nonprofit organizations.

**H.B. 2263**, Relating to the regulation and licensing of entities that operate facilities for greyhound racing or horse racing or for training greyhounds or horses for racing.

**H.C.R. 160**, Supporting the passage of **H.R. 1223** by the Congress of the United States, directing the Secretary of the Army to remove a railroad swing bridge crossing Clear Creek, Texas.

**H.C.R. 209**, Honoring Saxon Fox.

**S.C.R. 116**, Designating May 1, 1991, as Law Day in the State of Texas.

Respectfully submitted,

**BETTY MURRAY**, Chief Clerk  
House of Representatives

**GUESTS PRESENTED**

Senator Brooks was recognized and introduced a delegation of District Governors from Turkey.

The Senate extended a warm welcome to these guests.

**GUESTS PRESENTED**

Senator Green was recognized and introduced a group of Baytown Junior High School students.

The Senate welcomed these guests.

**BILLS AND RESOLUTION SIGNED**

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolution:

**S.C.R. 107**

**S.B. 438**

**S.B. 811**

**S.B. 1166**

**REPORTS OF STANDING COMMITTEES**

Senator Whitmire submitted the following report for the Committee on Intergovernmental Relations:

**H.B. 989**

**H.B. 176**

**H.B. 957**

**H.B. 1897**

**S.B. 1514**

S.B. 728  
S.B. 856  
C.S.H.B. 545  
C.S.S.J.R. 32  
C.S.S.B. 892

Senator Lyon submitted the following report for the Committee on Criminal Justice:

C.S.S.B. 55  
C.S.S.B. 880

Senator Brooks submitted the following report for the Committee on Health and Human Services:

S.B. 973  
S.B. 1087

Senator Moncrief, Acting Chair, submitted the following report for the Committee on Health and Human Services:

S.B. 1417

Senator Brooks submitted the following report for the Committee on Health and Human Services:

S.B. 1086

Senator Moncrief, Acting Chair, submitted the following report for the Committee on Health and Human Services:

S.B. 1531  
C.S.S.B. 1507

Senator Brooks submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 693  
C.S.S.B. 960

Senator Zaffirini, Acting Chair, submitted the following report for the Committee on Health and Human Services:

C.S.H.B. 541

Senator Henderson, Vice Chair, submitted the following report for the Committee on State Affairs:

H.B. 1506  
H.B. 873  
S.B. 943

Senator Glasgow submitted the following report for the Committee on State Affairs:

C.S.S.B. 1092

Senator Henderson, Vice Chair, submitted the following report for the Committee on State Affairs:

C.S.S.B. 949

Senator Moncrief, Acting Chair, submitted the following report for the Committee on State Affairs:

**C.S.S.B. 837**

Senator Henderson, Vice Chair, submitted the following report for the Committee on State Affairs:

**C.S.S.B. 1049**

Senator Glasgow submitted the following report for the Committee on State Affairs:

**C.S.S.B. 1316**

**C.S.S.B. 1315**

**S.B. 911**

**S.B. 928**

**H.B. 1029 (Amended)**

Senator Barrientos submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with the recommendation that they be confirmed.

To be Members of the BOARD OF DIRECTORS, AGRICULTURAL FINANCE AUTHORITY: R. David Guerrero, Jim Wells County; F. Gary Valdez, Travis County; Ms. Mary Esther Webb, Eastland County.

To be Members of the STATE COMMISSION ON JUDICIAL CONDUCT: A. H. "Al" Lock, Tarrant County; Judge Charles P. McCain, Brown County.

To be Members of the TEXAS BOARD OF LICENSURE FOR NURSING HOME ADMINISTRATORS: Ms. Johnnie Lou Avery, Howard County; Dr. Rumaldo Zapata Juarez, Hidalgo County.

To be Members of the BOARD OF REGENTS, STEPHEN F. AUSTIN STATE UNIVERSITY: Ms. Laurel Ann "Sissy" Phillips Austin, Cherokee County; Ms. Dionne Bagsby, Tarrant County; Ms. Retta B. Kelley, Gregg County.

To be Members of the BOARD OF PARDONS AND PAROLES: Kenneth N. Coleman, Walker County; Ms. Peggy S. McAdams, Walker County.

To be PUBLIC COUNSEL OF THE OFFICE OF PUBLIC UTILITY COUNSEL: Luis A. Wilmot, Harris County.

To be JUDGE OF THE CRIMINAL DISTRICT COURT OF DALLAS COUNTY: Ms. Jan Elizabeth Hemphill, Dallas County.

**SENATE RESOLUTION ON FIRST READING**

On motion of Senator Ellis and by unanimous consent, the following resolution was introduced, read first time and referred to the Committee indicated:

**S.C.R. 118** by Ellis

Jurisprudence

Encouraging and requesting the State Bar of Texas, Houston Bar Association and the entire Texas legal profession to maintain an active presence on the Texas Southern University Campus.

**HOUSE BILLS ON FIRST READING**

The following bills received from the House were read the first time and referred to the Committee indicated:

- H.B. 80**, To Committee on Finance.
- H.B. 278**, To Committee on Economic Development.
- H.B. 302**, To Committee on Criminal Justice.
- H.B. 897**, To Committee on State Affairs.
- H.B. 1458**, To Committee on Finance.

**GUESTS PRESENTED**

Senator Carriker was recognized and introduced a delegation of citizens from Wichita Falls, who are here in celebration of May 1, 1991, as "Wichita Falls Day."

The Senate welcomed these guests.

An enrolled copy of **S.R. 561**, previously adopted by the Senate on Thursday, April 18, 1991, was prepared for the occasion.

**GUESTS PRESENTED**

Senator Dickson was recognized and introduced a group of citizens from the Temple Chamber of Commerce.

The Senate welcomed these guests.

**GUESTS PRESENTED**

Senator Truan was recognized and introduced a group of fifth and sixth grade students from the Montessori School of Corpus Christi and their teacher Sandy Wolf.

The Senate welcomed these guests.

**GUESTS PRESENTED**

Senator Barrientos was recognized and introduced guests from the Czech and Slovak Federal Republic, who are touring the United States in an effort to gain insight into "The Role of the Media in a Democratic Society."

The Senate welcomed these guests.

An enrolled copy of **S.R. 606**, previously adopted by the Senate on Thursday, April 25, 1991, was prepared for the occasion.

**MESSAGE FROM THE HOUSE**

House Chamber  
May 1, 1991

**HONORABLE BOB BULLOCK**  
**PRESIDENT OF THE SENATE**

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**S.B. 878**, Relating to the coverage of, and administration of, public retirement systems for fire fighters in certain municipalities. (As amended)

Respectfully submitted,  
**BETTY MURRAY**, Chief Clerk  
House of Representatives

(Senator Brooks in Chair)

**SENATE BILL 195 WITH HOUSE AMENDMENT**

Senator Ratliff called S.B. 195 from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Floor Amendment on Third Reading - Heflin**

Amend S.B. 195 on third reading as follows:

On page 1, after the language on line 11, add the following:

or an offense under Article 6701c-3, Vernon's Texas Civil Statutes,

The amendment was read.

On motion of Senator Ratliff and by unanimous consent, the Senate concurred in the House amendment to S.B. 195 by a viva voce vote.

**CAPITOL PHYSICIAN**

Senator Barrientos was recognized and presented Dr. Donald Counts of Austin.

The Senate welcomed Dr. Counts, a participant in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, and expressed appreciation for his contributions today.

(President in Chair)

**COMMITTEE SUBSTITUTE****SENATE BILL 1262 ON SECOND READING**

On motion of Senator Harris of Dallas and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1262, Relating to the regulation of automatic dial announcing devices; providing criminal and civil penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE****SENATE BILL 1262 ON THIRD READING**

Senator Harris of Dallas moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 1262 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Johnson.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE****SENATE BILL 926 ON SECOND READING**

On motion of Senator Haley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 926, Relating to the regulation and operation of proprietary schools; providing penalties.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Amend C.S.S.B. 926 by striking SECTIONS 1.05 and 1.06 of the bill.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Haley and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

#### RECORD OF VOTE

Senator Armbrister asked to be recorded as voting "Present-not voting" on the passage of the bill to engrossment.

#### COMMITTEE SUBSTITUTE SENATE BILL 926 ON THIRD READING

Senator Haley moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 926 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Armbrister.

The bill was read third time and was passed by a viva voce vote.

#### RECORD OF VOTE

Senator Armbrister asked to be recorded as voting "Present-not voting" on the final passage of the bill.

#### COMMITTEE SUBSTITUTE SENATE BILL 772 ON SECOND READING

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 772, Relating to the appraisal and assessment of property for property taxes and to property that is omitted from a property tax appraisal roll, valuation notification, appraisal district and appraisal review board hearings; and regarding tax appeal attorney's fees.

The bill was read second time.

Senator Henderson offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend C.S.S.B. 772 as follows:

On page 1, line 49, between the word "roll" and the period, insert the language "or, in the case of business personal property, if a rendition was not filed as required by this code"

The amendment was read and was adopted by a viva voce vote.

Senator Henderson offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend C.S.S.B. 772 by adding a new SECTION 1.1 and renumbering the following SECTIONS accordingly.

SECTION 1.1. Section 22.27, Subsection (a), Tax Code, is amended to read as follows:

Sec. 22.27. CONFIDENTIAL INFORMATION. (a) Rendition statements, [and] real and personal property reports, and income and expense information related to a property filed with an appraisal office and information voluntarily disclosed to an appraisal office or the State Property Tax Board about real or personal property sales prices after a promise it will be held confidential are confidential and not open to public inspection. The statements and reports and the information they contain about specific real or personal property or a specific real or personal property owner and information voluntarily disclosed to an appraisal office about real or personal property sales prices after a promise it will be held confidential may not be disclosed to anyone other than an employee of the appraisal office who appraises property except as authorized by Subsection (b) of this section.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Henderson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 772 ON THIRD READING**

Senator Henderson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 772 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced a group of students from Three Rivers High School and their sponsor, Lo Anne Lyle.

The Senate welcomed these guests.

(Senator Brooks in Chair)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1407 ON SECOND READING**

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1407, Relating to the rights of victims of crimes.

The bill was read second time and was passed to engrossment by a viva voce vote.



**COMMITTEE SUBSTITUTE  
SENATE BILL 1407 ON THIRD READING**

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 1407 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**SENATE BILL 1280 ON SECOND READING**

On motion of Senator Rosson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1280**, Relating to termination of executory contracts for the sale of real property.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 1280 ON THIRD READING**

Senator Rosson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 1280** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**GUESTS PRESENTED**

Senator Armbrister was recognized and introduced students from La Grange High School and Yorktown High School seated in the gallery.

The Senate welcomed these students.

**HOUSE BILL 597 ON SECOND READING**

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 597**, Relating to the issuance of evidentiary search warrants and search warrants for contraband subject to seizure by the state.

The bill was read second time and was passed to third reading by a viva voce vote.

**HOUSE BILL 597 ON THIRD READING**

Senator Ratliff moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **H.B. 597** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**(President in Chair)**

**COMMITTEE SUBSTITUTE  
HOUSE BILL 640 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**C.S.H.B. 640**, Relating to the creation, powers, and duties of the Automobile Theft Prevention Authority.

The bill was read second time.

**(Senator Brooks in Chair)**

Senator Lucio offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **C.S.H.B. 640** as follows:

(1) In SECTION 1, Section 8(a) of Article 4414(37) (page 3, line 17), delete "outside of" and substitute in lieu thereof "in".

(2) In Section 8(b) (page 3, lines 19 and 20), delete "The authority shall administer the fund, except that the treasurer has custody of" and substitute in lieu thereof "The treasurer shall administer".

(3) In Section 8(c) (page 3, line 25), add before the period ", except that a warrant may not exceed the amount in the fund".

The amendment was read and was adopted by a viva voce vote.

Senator Rosson offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **C.S.H.B. 640** as follows:

On page 2, lines 61 through 64 of the Committee Printing, strike the current subdivision (2) and replace it with the following:

"(2) providing financial support to the Department of Public Safety, local law enforcement agencies, local prosecutors, judicial agencies, and neighborhood, community, and business nonprofit organizations for programs designed to reduce the incidence of economic automobile theft;"

The amendment was read and was adopted by a viva voce vote.

Senator Montford offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **C.S.H.B. 640** by deleting subsection 2 on page 1, line 36, and adding a new subsection 2 to read as follows:

Section 2. ESTABLISHMENT OF AUTHORITY. (a) The Automobile Theft Prevention Authority is established in the Department of Public Safety.

(b) The authority shall exercise its powers, duties, and functions independently of the Department of Public Safety.

(c) The budgeting, procurement, and related functions of the authority, and administrative responsibilities for employees of the authority, shall be performed under the direction and supervision of the Director of the Department of Public Safety.

Amend **C.S.H.B. 640** by deleting subsection 6(c) on page 2, line 26, and adding a new subsection 6(c) to read as follows:

(c) The authority may employ and compensate staff as provided by legislative appropriation or may use staff provided by the Department of Public Safety.

The amendment was read and was adopted by a viva voce vote.

Senator Krier offered the following amendment to the bill:

**Floor Amendment No. 4**

Amend C.S.H.B. 640 as follows:

(1) In added Section 8(c), Article 4413(37), Revised Statutes, (Committee printing, page 2, line 52) strike "Section 9" and substitute "Sections 9 and 10".

(2) Strike added Section 8(e), Article 4413(37), Revised Statutes, (Committee printing, page 2, lines 56-70) and substitute the following:

(e) Money credited to the fund shall be used by the authority to pay administrative costs and to achieve the purposes of this article, including:

(1) establishing and funding the automobile registration program required by Section 9 of this article;

(2) providing financial support to law enforcement agencies for economic automobile theft enforcement teams;

(3) providing financial support to law enforcement agencies, local prosecutors, judicial agencies, and neighborhood, community, and business organizations for programs designed to reduce the incidence of economic automobile theft;

(4) conducting educational programs designed to inform automobile owners of methods of preventing automobile theft;

(5) providing equipment, for experimental purposes, to assist automobile owners in preventing automobile theft; and

(6) establishing a uniform program to prevent stolen motor vehicles from entering Mexico.

(3) After added Section 8, Article 4413(37), Revised Statutes, (Committee printing, after page 2, line 70) insert a new Section 9 of Article 4413(37), Revised Statutes, to read as follows:

Sec. 9. AUTOMOBILE REGISTRATION PROGRAM. (a) The authority shall develop a statewide automobile registration program to be administered by the Department of Public Safety.

(b) The authority shall identify a period of the day during which most automobiles are not used. An owner of an automobile that does not usually use the automobile during that period may register the automobile with the Department of Public Safety in accordance with the program developed by the authority.

(c) The authority shall develop a form for registration of an automobile under the program. The form shall advise the owner of the automobile of the provisions of Subsection (f) of this section. An automobile may not be registered under the program unless the owner consents to the provisions of Subsection (f) of this section.

(d) The program must provide a method for an owner to withdraw an automobile from the program. The program may not require owners of automobiles to participate in the program.

(e) The department shall issue to the owner of an automobile registered under this section a decal or other appropriate identifying marker to be affixed to the automobile to indicate that the automobile is registered with the program.

(f) A peace officer who observes a registered automobile that is being operated during the period of the day identified by the authority under Subsection (b) of this

section may stop the automobile to determine whether the automobile is being operated by the owner or with the owner's permission.

(g) The Department of Public Safety shall adopt rules to administer the program and shall adopt fees in an amount sufficient to recover the cost of administering the program. Money collected by the department under this subsection shall be deposited to the credit of the automobile theft prevention fund.

(4) Redesignate added Sections 9, 10, and 11, Article 4413(37), Revised Statutes, (Committee printing page 3, lines 1, 20, and 44, respectively,) as Sections 10, 11, and 12, respectively.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Lucio and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 640 ON THIRD READING**

Senator Lucio moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.H.B. 640 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Green.

(President in Chair)

**COMMITTEE SUBSTITUTE  
SENATE BILL 670 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 670**, Relating to exemptions from ad valorem taxations for television stations that produce or broadcast public interest programming.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 670 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 670 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 877 ON SECOND READING**

Senator Leedom asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 877**, Relating to jurisdiction and venue of forcible entry and detainer and forcible detainer suits.

There was objection.

Senator Leedom then moved to suspend the regular order of business and take up C.S.S.B. 877 for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 6, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Glasgow, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom, Lucio, Montford, Ratliff, Rosson, Sibley, Sims, Tejada, Turner, Whitmire, Zaffirini.

Nays: Carriker, Ellis, Green, Johnson, Lyon, Truan.

Present-not voting: Moncrief.

Absent: Dickson, Haley, Parker.

The bill was read second time.

Question—Shall the bill be passed to engrossment?

On motion of Senator Leedom and by unanimous consent, further consideration of C.S.S.B. 877 was postponed until 11:00 a.m. Thursday, May 2, 1991.

#### **MOTION TO PLACE SENATE BILL 780 ON SECOND READING**

Senator Green asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**S.B. 780**, Relating to the issuance of a license to carry a concealed handgun; providing penalties.

There was objection.

Senator Green then moved to suspend the regular order of business and take up **S.B. 780** for consideration at this time.

The motion was lost by the following vote: Yeas 17, Nays 13. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Brooks, Brown, Carriker, Green, Harris of Tarrant, Harris of Dallas, Krier, Lucio, Moncrief, Montford, Rosson, Sibley, Tejada, Turner, Whitmire, Zaffirini.

Nays: Barrientos, Dickson, Ellis, Glasgow, Haley, Henderson, Johnson, Leedom, Lyon, Parker, Ratliff, Sims, Truan.

Absent: Bivins.

#### **COMMITTEE SUBSTITUTE SENATE CONCURRENT RESOLUTION 30 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

**C.S.S.C.R. 30**, Requesting the State Board of Education to adopt a policy requiring each school district to hire a social services coordinator.

The resolution was read second time and was adopted by a viva voce vote.

**RECORD OF VOTE**

Senator Carriker asked to be recorded as voting "Nay" on the adoption of the resolution.

**SENATE RULE 11.11 SUSPENDED**

On motion of Senator Glasgow and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on State Affairs might consider the following bills today:

**S.B. 918**

**S.B. 233**

**SENATE RULE 11.11 SUSPENDED**

On motion of Senator Sims and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Natural Resources might consider H.B. 1166 today.

**NOTICE OF CONSIDERATION OF NOMINATIONS**

Senator Barrientos gave notice that he would on Friday, May 3, 1991, at the conclusion of Morning Call, submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

**SENATE RULE 11.11 SUSPENDED**

On motion of Senator Tejeda and by unanimous consent, Senate Rule 11.11 was suspended in order that the Subcommittee on Urban Affairs might consider H.B. 2119 today.

**MEMORIAL RESOLUTION**

**S.R. 631** - By Lucio: In memory of Kristopher Ryan Powell of Mission.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

**S.C.R. 120** - By Brooks: Commending the country of Switzerland and its citizens for the role they have played in bringing about better understanding and more cooperation among other nations.

**S.R. 630** - By Henderson: Commending Anita Beneke, M.D., for her involvement in the excellent preceptorship program of the Texas Academy of Family Physicians.

**S.R. 632** - By Lucio: Honoring Emilio G. Rodriguez, Sr., for his numerous contributions as a businessman and civic leader in McAllen.

**S.R. 633** - By Lucio: Honoring Adrian Flores for his many years of dedicated service to the youth of this State and his noteworthy contributions as an outstanding all-sports referee and president of the Rio Grande Valley Chapter of the Southwest Baseball Umpires Association.

**S.R. 634** - By Zaffirini: Welcoming home Lance Corporal Charles Wayne Cantu of Beeville, who recently returned from the Persian Gulf.

**S.R. 635** - By Brooks: Welcoming the New Mexico Amigos and the distinguished Governor Bruce King of the State of New Mexico on their visit to the capital of Texas.

**S.R. 636** - By Harris of Tarrant: Recognizing Hubert T. Gober for his loyal service as Mayor Pro Tempore for the City of Pantego from 1988 until 1991.

**S.R. 637** - By Harris of Tarrant: Honoring H. J. "Hank" Merbler for his outstanding service as Mayor of the City of Pantego from 1987 until 1991.

**S.R. 638** - By Krier, Tejeda: Commending Ty Detmer, the 1990 Heisman Trophy winner, for his notable achievement and for his exemplary example of good sportsmanship for the young athletes of our country.

#### ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:33 p.m. adjourned until 11:00 a.m. tomorrow.

#### FIFTY-SEVENTH DAY (Thursday, May 2, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Green, Haley, Harris of Tarrant, Harris of Dallas, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Absent-excused: Glasgow, Henderson.

A quorum was announced present.

The Reverend Dr. Sidney G. Hall, Trinity United Methodist Church, Austin, offered the invocation as follows:

We invoke Your presence this day, O God, recognizing You are always here, though we often live as though we are alone. On this day, the day Congress has designated National Day of Prayer, we pray especially for the United States of America and all her people. We give You thanks that all people, whether Christian, Muslim, Jew, Buddhist or atheist, have the freedom to pray or not to pray as they desire, to whom or not to whom they desire. Guide us to welcome the stranger, to liberate the oppressed, to break the chains of systemic and bureaucratic wickedness. Guide these legislators today, the elected guardians of the State of Texas, to carry on their deliberations, being cognizant of the profane that is in the midst of the sacred, and the sacred in the profane; bringing transformation where there is brokenness and suffering. Help us to be aware of all the marginalized; that You are the God of justice and peace and hope; and that there is brokenness, but there is also healing. Lead these this day with the conviction of courage, balanced with consideration. In Your great mercy we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### LEAVES OF ABSENCE

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Henderson was granted leave of absence for today on account of important business on motion of Senator Brooks.